

THE WEATHER

Arizona: Tuesday and Wednesday fair; little change in temperature.

VOL. 26—NO. 134

BISBEE, ARIZONA, TUESDAY MORNING, JUNE 6, 1922

COPPER PRICES

Average for March... 12567
Av. mo. April, '22... 12573
Av. wk. End, 5-24-22... 134063
Av. wk. End, 5-31-22... 13625
Close wk. End, 5-31-22... 13625
Av. Month of May, '22... 13111

Price Five Cents

SAYS LABOR AMENABLE TO SHERMAN ACT

Believes Army Cut Will Imperil Defense

HARDING SHOWS OPPOSITION TO SMALLER ARMY

Urges That Senate Provisions Be Retained in Army Appropriation Bill

WOULD DENY TRAINING

Believes Strength Proposed by House Would Be Dangerous to Nation's Safety

WASHINGTON, June 5.—President Harding, in a letter today to chairman Warren of the senate appropriations committee, urged retention in the army appropriation bill of provisions for officers, enlisted personnel and national guard voted by the senate, and opposed the smaller provisions of the house bill.

The president said he thought the day might come when the army and military forces generally could be further reduced but added that for that time "we must wait fuller readjustment and more stable conditions."

"I feel," he wrote, "that the development of our national defense system, under the national defense act, is of the most importance and I am satisfied that the allowances made represent the minimum under which even the most conservative and modest program of development is possible."

The president's letter was received at the capital simultaneously with the beginning of the conference between house and senate delegations on the bill, and served to bolster the senate conference who went into the negotiations backed by a two to one vote of their body in support of the larger army.

Harding expressed the fear that were the house provisions to prevail, the training and progress of the whole defense system would seriously be impaired. He declared that this particularly would be true if any cut were made from the senate appropriation for the national guard. The house provision, the executive said, was so small that it would result in denying the benefits of summer training to many of the guard, and he therefore supported the senate item of \$9,500,000 as against the house provision of \$6,500,000.

Turning to the project of the re-

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Advocates Music to Drown Out Cries of New York's Babies

NEW YORK, June 5.—Lacking vocal silencers for the 134,000 babies born in New York City each year and exercising their lung power in 42 different tongues, Health Commissioner Copeland today told the State Federation of Music Clubs "these discordant noises must be drowned out by music."

Delegates to the convention were mostly feminine, so Commissioner Copeland utilized the occasion to voice his fears about race suicide along Fifth Avenue and Park Avenue.

"I am worried about the four hundred," he asserted. "The western people of New York have a birth rate of one seven to the thousand, while on the lower East Side the rate is 57 to 1,000. If it were not for the influx from outside cities, New York would be a metropolis of foreigners in 10 years."

Court Decides on Laramie River Case

WASHINGTON, June 5.—The supreme court today, after deciding the Wyoming-Colorado case, arising over the diversion of the flow of the Laramie river, ordered a decree which will enjoin Colorado and the other defendants from diverting more than 15,500 acre feet per annum from the Laramie river by means of or through the proposed Laramie-Poudre project.

The proceedings grew out of the efforts of Colorado authorities to prevent the company from diverting water into Nebraska from the Colorado side of the North Fork of the Republican river, an interstate stream flowing through both states. Colorado claimed exclusive ownership of the water, and this was disputed by the company which contended it had a vested right because it had carried unimpeded water from the river for more than 20 years into Nebraska, where the water had been put to beneficial use by farmers. The lower court sustained the company.

G.O.P. LEADERS STRIKING BACK AT ASSAILANTS

Tariff Bill Opponents Are Attacked in First Series of Speeches

CHARGES ELICIT REPLY

Alleges Foreign Propaganda Against Bill; Simmons Says Contentions Evaded

WASHINGTON, June 5.—A policy of striking back at opponents of the administration tariff bill was agreed upon today by senate leaders. Senator Watson, of Indiana, delivered the first of a planned series of speeches in the senate which leaders said were designed not only to place the Republican viewpoint on the tariff before the country, but also to disclose some of the sources of opposition to the bill.

Most of Senator Watson's address was directed to Democratic attacks, which have been made in the senate in the six weeks the bill has been under consideration. In passing, however, he charged a foreign propaganda against the measure, referring generally to those whom he said had sought to get the United States into the League of Nations, and specifically to some representatives of foreign nations in this country.

Senator Watson's address of two hours drew a reply of slightly greater length from Senator Simmons, North Carolina, leader of the Democratic forces in the tariff forces. Senator McCumber, North Dakota, in charge of the bill, replied briefly to Senator Simmons, and then the senate retired to discussion of, and

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IS FREE MAN FOR 2 MINUTES

Witness Held in Ward Case Is Released, But Freedom Is Short Lived

WHITE PLAINS, N. Y., June 5.—Grand jury investigation having been postponed until tomorrow, interest in the Ward-Peters shooting mystery centered today on the unsuccessful efforts of James J. Cunningham, held in jail as a material witness, to obtain his liberty, and elimination by the Philadelphia police of John Cienzo as a figure in the case.

Supreme Court Justice Seeger, before whom Cunningham was brought on a writ of habeas corpus, held that Coroner Fitzgerald had no right to detain Cunningham as a material witness and ordered his release.

Cunningham enjoyed two minutes of liberty in court, until District Attorney Weeks could get Justice Seeger to fix bail at \$5,000 on an application filed by his office instead of the coroner's. Bail was not produced, and Cunningham was led back to his cell, although his lawyer, Maurice J. McCarthy, indicated he would have the money in the morning.

McCarthy told the court that his client was not involved in the blackmail plot described by Ward as the cause of his meeting with Peters on the night of May 15, when, according to his story he shot the ex-sailor in self defense and battled with two of Peters' confederates.

He said that Cunningham, who claims to be a racketeer detective, had been approached, however, by two men named Jackson and Rogers and asked "to aid them in thwarting a blackmail plot," and that he had agreed to do so. McCarthy asserted that it was his client's business to thwart blackmail plots, and that he recently had been successful in cases involving \$100,000 and \$250,000.

Ward, who is out on \$50,000 bail, paid a flying visit to the Westchester county jail today to confront Cunningham. Present at the meeting were Ward's lawyers and Sheriff Werner.

According to the sheriff, Cunningham greeted his visitor with these words: "Hello Ward, how are you?" Ward's reply was: "What do you mean? I never met you before."

Is Charged With Conspiracy To Defraud U.S.; Attributes Arrest To Being In Politics

WASHINGTON, June 5.—John Law, is, Republican state chairman for Georgia, for whose arrest a warrant was issued late Saturday on complaint of the department of justice alleging conspiracy to defraud the United States marshal on his arrival here today from Philadelphia. He was immediately arraigned before United States Commissioner Hitt, who issued the warrant, waived examination, and was released in \$25,000 bail for action of the grand jury.

The warrant for Phillips' arrest, sworn to by Marcus Borchart, special assistant to the attorney general, acting for Assistant Attorney General John W. Crim, was issued while the special grand jury was still conducting its investigation of the lumber disposal contract made by the war department with the firm of Phillips and Stephens, acting as agents for the lumber interests. No indictment has yet been returned by the grand jury, and it was understood that witnesses were still being heard.

Much mystery surrounded the obtaining of the warrant. Until a copy of the complaint was made public at the department of justice late today

following the formal arrest of Phillips spokesmen of the department denied that a warrant had been sought.

The first disclosure of the government's hand in this particular, one of the so-called war fraud cases came during the arraignment of Phillips. Appearing for the department of justice were Assistant Attorney General Crim, in charge of all criminal matters for the department; Special Assistant Attorney General H. W. Anderson of Virginia, and Borchart, the complainant. Crim, it was learned, decided to swear out the warrant notwithstanding the fact that no indictment had yet been returned on evidence and information in his possession following grand jury sessions of Thursday and Friday.

Phillips tonight refused to make a formal statement at this time, but declared that all his transactions with the government had always "been clean and above board," and were matters of record. He said he was surprised at the issuance of a warrant for his arrest, before the grand jury had indicted him, and attributed it to politics.

"It is the penalty one must pay for being in politics," he added.

COMPLAINT IS DISMISSED; NOT OUT OF WOODS

Charge Against Valentino May Yet Come Up Before Jury, Says Woolwine

LOS ANGELES, June 5.—Whether the charge of bigamy against Rudolph Valentino, film actor, dismissed today in the township court here, will be taken before the Los Angeles county grand jury, was still under consideration early tonight, District Attorney Thomas Lee Woolwine said. The official indicated that he was disposed to accept the ruling of Justice of the Peace J. Walter Hanby, to the effect that there was slight chance of convicting Valentino before a jury, as final. However, Woolwine added, he wanted time to go over the evidence carefully before announcing a decision.

Justice Hanby's decision was that while there was no denial of the charge that Valentino married Miss Winifred Hudnut in Mexicali, Lower Calif., while he still was legally married to Miss Jean Acker, there was insufficient evidence that he lived with Mrs. Valentino No. 2 in California subsequent to the Mexican ceremony. The California code provides in case of an alleged bigamous marriage outside the state, proof of marital relations within the state following such marriage must be adduced in order to sustain the charge. Evidence in Justice Hanby's court was that Valentino and his second bride returned to California and passed two days in a cottage at Palm Springs, a desert resort in Riverside county, occupying separate rooms.

Woolwine said he had under consideration the prosecution of several other persons who were married in Mexico and had returned to California to live before they had been granted their final decrees of divorce from their first spouses. They said that in these cases, the circumstances which caused Justice Hanby to dismiss the Valentino complaint did not exist.

Valentino, through his attorneys, issued a statement in which he said he was "immensely happy with the outcome of the proceedings."

Madalynne Again Faces Trial For Murder of Kennedy

LOS ANGELES, June 5.—Mrs. Madalynne Obenchain today again faced trial on the charge that she participated in the murder of J. Belton Kennedy in Beverly Glen, near Los Angeles, on the night of August 5, last year. This was the second time Mrs. Obenchain had gone before a jury on the same charge, and the fourth time the facts have been presented, as Arthur Burch, her co-defendant, has been tried twice and now awaits a third trial, set for early autumn. In the three preceding trials, the juries disagreed.

Seventeen were examined today, and twelve were in the jury box at adjournment, but neither side used any peremptory challenges.

NOTED STAGE BEAUTY AND ACTRESS DIES

Mrs. Lillian Russel Moore Is Dead at Her Home After Several Days' Illness

PITTSBURG, June 6.—Mrs. Lillian Russel Moore, wife of Alexander P. Moore, publisher of the Pittsburgh Leader, and noted stage beauty of a score or more years past, died at her home at 2:20 o'clock this morning, after an illness of several days.

At the bedside at the end were her daughter, Mrs. Dorothy Calbit Moore, her niece, Mildred A. Martin, and Dr. C. B. Schildecker.

Following a crisis in Mrs. Moore's condition Saturday night, her physicians had expressed belief that she would rally, but late last night it became evident that she had suffered a relapse. While it was recognized that the situation was grave, members of the household nevertheless made known late in the evening that no alarm was felt.

Lillian Russel, "the queen of American opera," in private life Mrs. Alexander P. Moore, wife of the editor and publisher of the Pittsburgh Leader, for more than 30 years starred in various operatic roles in the United States and England. She was one of the most popular singing actresses on the American stage. Still famed for youthfulness and beauty after she retired from the stage, she toured her native land with a lecture on "how to live a hundred years."

Irish Republican Army Reported Evacuating Sector

ENNISKILLEN, Ireland, June 5.—(By the Associated Press).—The republicans are gradually evacuating the Beeluck sector. The military have made no further move toward Beeluck. The Pettigo salient has been quiet throughout the day.

There is considerable interest over the statement in the official report of the trouble announcing that the military are holding in addition to Pettigo, the stretch of country northeast and west of the town for a distance of about a mile in Free State territory.

It is stated that it was imperative that the hills should be occupied by the military in order to prevent the republicans from harassing the troops in the town of Pettigo.

Contradicts Reports LONDON, June 5.—(By the Associated Press).—The Irish republican army headquarters, says a dispatch to the Press Association tonight, has issued an official communique contradicting the Ulster military report on yesterday's occupation of Pettigo by British troops. Michael Collins, head of the provisional government, is understood to have requested the British government to hold an investigation of the whole affair, the dispatch said.

RAILROAD MEN MAY COMBINE TO FIGHT CUT

11 Heads of Labor Unions to Consider Concerted Action Against Board's Award

EXPECT STRIKE BALLOT

'Big Four' Brotherhood Not to Be Represented; Building Trades May Affiliate

CINCINNATI, O., June 5.—(By The Associated Press).—Concerted action against reductions in wages of railroad workers recently made by the United States railroad labor board will be the principal matter to be considered when heads of 11 railroad labor unions go into session here tomorrow.

The conference was called by B. M. Jewell, head of the railway employees' department of the American Federation of Labor, who will also preside at the sessions.

Leaders who arrived here today held informal conferences and discussed ways and means to bring the question of wage reduction before their memberships. Strike votes are expected in every organization, it was said, each union taking its vote separately.

It was pointed out that the matter of acceptance or rejection of the cut rests with the membership of each union.

Unions to be represented in the conference are the machinists, boiler-makers, blacksmiths, car men, electricians.

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FILE NO CHARGE AGAINST NURSE

Woman Who Shot and Killed Department Store Man Likely to Recover

KANSAS CITY, Mo., June 5.—No charge will be filed for the present against Miss Peggy Marie Beal, who early Saturday shot and killed Frank Warren Anderson, local department store welfare director, and then tried to end her own life, Cameron L. Orr, prosecutor, said late today. Physicians reported tonight that unless complications develop, the young woman will recover.

Miss Beal today refused to affirm or deny reports that she had been married and was the mother of a four year old son.

"I've told you I had no one," she said. "I'm not sorry that I did it. It was an act of charity to save other girls from similar heartaches."

She refused to say anything further regarding relatives.

The shooting occurred at a local hotel, where the couple had registered as man and wife.

Says Husband, Sons Living

DAYTON, O., June 5.—Marie L. Beal, who shot and killed Frank W. Anderson in a Kansas City hotel last Saturday and then attempted suicide, was married in Dayton fourteen years ago, and her husband, Steve Beal, and two sons, are living in Terre Haute, Ind., according to J. J. Bartos, a local resident, who declared tonight he had known the girl since she was a child.

Will Appoint Own Assistants to Help Klan Investigation

PHOENIX, Ariz., June 5.—County Attorney R. E. L. Shepherd today announced he will appoint his own assistants to handle the special grand jury investigation concerning activities here of the Ku Klux Klan, and "will not call upon outside assistance in the matter." The statement followed a suggestion by State Attorney General W. J. Galbraith that Joseph Morrison and Leon Jacobs, Phoenix attorneys, be appointed to aid Shepherd in the K. K. case.

"While I respect the ability and honesty of both the men mentioned," said Shepherd, "it is my intention to stand upon my rights and make my own appointments."

The 21 men named for the grand jury will assemble Wednesday and 18 will be chosen to serve on the jury.

Ouija Boards Are Sporting Goods, Rules Court

WASHINGTON, June 5.—The supreme court today announced it would not determine what is a ouija board.

The question was presented in a case brought by the Baltimore Talking Board Company, which protested against taxation of such boards as sporting goods, and insisted that should the court refuse to hold that the boards "is a grade of motor automobile, involving considerable subconscious action of intelligence," that it should at least classify the smaller boards as "children's toys."

The lower federal courts sustained the government's contention that the boards should be classed as sporting goods.

SMALL JURORS ASK JUDGE FOR LONGER HOURS

Spat With Bailiff; Squabble Among Selves; Permitted to Mow Judge's Lawn

WAUKEGAN, Ill., June 5.—(By The Associated Press).—Vernon Curtis, co-defendant with Governor Len Small on charges of conspiracy to defraud the state, objected to having the Grant Park Bank—which the states alleges was a fictitious institution for the manipulation of public funds—listed as a bank in a bankers' directory according to evidence today at the trial of the governor.

Through Marshall H. Jackson, of Dwight, and M. H. Jackson, representatives of a Chicago bank supply house, who furnished the equipment for the Grant Park bank, the state brought out that Curtis asked the witness to call up the bankers' directory publishers, after they had made inquiries about the new bank, and tell them that it "was not going to be engaged in banking business."

One ledger, a rubber stamp, 500 time certificates of deposit, 500 demand certificates of deposit, 500 deposit slips, 500 letterheads, and 500 envelopes, constituted the equipment ordered for him for the bank, Jackson testified.

The weekend was enlivened by another spat between the jury and their bailiffs, and a quarrel between the jurymen, it developed today. The trouble started Sunday when the jury voted, 11 to 1, to attend a ball game at Antioch, and the twelfth man, August Larsen, a Dane, held out for a hiking club picnic. The 11 appealed to the judge to lock Larsen up while they saw the game, and when he declined and ruled that Larsen should accompany the majority, Larsen developed a headache and the jury stayed home.

Today the jurors presented a petition to Judge Edwards asking longer hours in court. They objected to the working day selected by the lawyers—10 a. m. to 4:30 p. m. They proposed starting at 9 a. m., and working until 5 p. m. The attorneys and court agreed to a compromise of 9:30 a. m. to 4:30 p. m., with one hour for lunch instead of an hour and a half.

The jurors celebrated their partial victory by asking permission to mow the judge's lawn and plant his garden this afternoon. It was granted. Last week, the 12 jurors called on Mr. and Mrs. Edwards and while one automobile mechanic, overhauled the family car, and another, a plumber, repaired the bath room, the jurors, including two landscape gardeners, a carpenter, and several farmers and laborers, trimmed the shrubs and lawn, repaired the screens, did a bit of house painting, and spaded the garden.

Fralick, Sentenced to Be Hanged, Given Stay of Execution

PHOENIX, Ariz., June 5.—George Fralick, 15, doomed to die for the murder of Walter Layton, guard at the state industrial school, will not be hanged June 16. Governor Campbell today announced a stay of execution automatically has been obtained through the filing of an appeal to the state supreme court.

The governor received notice that an appeal had been perfected in the Graham county superior court, and was advised that a record of the appeal will be filed in the supreme court in a few days.

Young Fralick, an inmate of the industrial school, last December 19, crept up behind Layton in the presence of other youths and crushed the guard's skull with an axe.

COUNSEL HAIL DECISION AS VICTORY FOR MINE WORKERS

Supreme Court Decision Also Holds That Labor Unions May Be Sued

WAS APPEAL BY MINES

Release of \$1,100,000 Held Through Coronado Coal Case Is Expected

WASHINGTON, June 5.—Deciding the Coronado coal case, the supreme court today held that labor organizations, although unincorporated, are amenable to the Sherman anti-trust act, and that under it such organizations may be prosecuted for restraint of interstate commerce.

The court also held that labor unions may be sued.

Chief Justice Taft, in announcing the decision, did not indicate any dissent.

The case, which presented the questions passed upon by the court, was an appeal by the United Mine Workers of America, District No. 21 officers, 27 local unions in that district and their officers, and 85 individuals, some of the latter not members of any union, from a decision by the United States district court of Arkansas, approved by the circuit court of appeals, holding them guilty of violating the Sherman anti-trust act during the coal mine strike in Arkansas in 1914, and imposing damages of \$200,000, which were trebled under the anti-trust law.

The effect of the decision today will be to set aside the damages, because of the finding that the acts which caused the destruction of property were not incited for the purpose of restraining interstate commerce. During the strike, lawlessness prevailed, and property damage was done to the Coronado and eight other mines controlled by the Racho-Denham Coal Company. The United Mine Workers of America contested the jurisdiction on the ground that being an unincorporated association of mine workers, it was not subject to prosecution under the Sherman anti-trust law.

Five questions were presented by the controversy, Chief Justice Taft. First, whether there had been a correct selection of the parties to be sued; second, whether the parties, not being incorporated, were subject to suit; third, whether the United Mine Workers of America had been engaged in a conspiracy or in the destruction of property for which that organization and its officers could be held liable; fourth, whether there was evidence to show that the conspiracy incited did restrain or monopolize interstate commerce, and fifth, whether the trial court, in charging the jury, had coerced them into returning the verdict. There had been no misjoinder.

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Officer Found Guilty of Violating Article of War; Is Sentenced

WRIGHTSTOWN, N. J., June 5.—Major Malcolm Wheeler-Nicholson was tonight found guilty by a court martial at Camp Dix of having violated the 96th article of war in having written and sent to President Harding a letter charging that Prussianism existed in the army.

He was sentenced to a fine of fifty files, which means his reduction to the line of promotion behind fifty other majors whom he now ranks. The verdict was based on the fact that he had given out the letter for publication.

Major Wheeler-Nicholson was placed on trial on Saturday on three charges—being absent without leave, making a false statement, and writing to President Harding. The first two charges were dismissed by the court martial.

Commission Plans to Meet in New Mexico

PHOENIX, Ariz., June 5.—Plans are being made to hold the next meeting of the Colorado river commission on August 1 at Bishop's Lodge, a resort near Santa Fe, N. M., it was stated in a letter received today by W. S. Norviel, Arizona member of the commission, from S. B. Davis, Jr., New Mexico commissioner. Governors of seven states in the Colorado basin are expected to attend the hearing at which an agreement is expected to be reached regarding equitable distribution of the Colorado's waters among the states affected.